

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SIDNEY JAMES CLAYTON (AIS# 224797)

Plaintiff,

V.

J.C. GILES

Defendants.

*
*
*
*
*
*

2:06-CV-367-ID

**DEFENDANTS SAMUEL RAYAPATI, M.D., NETTIE BURKS, R.N., H.S.A. AND
PRISON HEALTH SERVICES, INC.'S MOTION TO EXTEND TIME TO FILE
SPECIAL REPORT AND ANSWER**

COME NOW Defendants, Samuel Rayapati, M.D., Nettie Burks, R.N., H.S.A. and Prison Health Services, Inc. and respectfully request that this Honorable Court extend the time period which these Defendants have to file their Answer and Special Report in this action by thirty (30) days up to and including November 18, 2006. As grounds for this Motion, Defendants show to the Court as follows:

1. At the time Plaintiff filed this action he was incarcerated as an inmate at Ventress Correctional Facility located in Clayton, Alabama.
2. The Plaintiff amended his Complaint and, at that time, the Plaintiff indicated that he was confined at Bullock County Correctional Facility, located in Union Springs, Alabama.
3. Since the Plaintiff amended his Complaint, the Plaintiff has again been transferred to another Correctional Facility, Red Eagle Honor Farm. Red Eagle does not have an infirmary. Its inmate's are treated at neighboring Kilby Correctional Facility.

4. Counsel for the Defendants has requested this inmate's medical chart from Ventress, Bullock, Kilby and Red Eagle. However, due to this inmate's rapid transfer among correctional facilities, there has been difficulty in securing a copy of his medical records due to the fact that Mr. Clayton's medical records travel with him as he is transferred among correctional facilities.
5. Since counsel has been unable to obtain a copy of this inmate's medical records, he has not been afforded an opportunity to research the Plaintiff's claims in this matter in preparation for meeting with the Defendants in response to the Plaintiff's claims.
6. The Defendants request a brief extension of time to secure this inmate's medical records and schedule meetings with the Defendants in response to Plaintiff's Complaint.
7. This brief extension of time will in no way prejudice any party, nor will it unduly delay the adjudication of this matter.

Respectfully submitted,

s/L. Peyton Chapman, III
Alabama State Bar Number CHA060
s/R. Brett Garrett
Alabama State Bar Number GAR085
Attorneys for Samuel Rayapati, M.D., Nettie
Burks, R.N., H.S.A. and Prison Health
Services, Inc.

RUSHTON, STAKELY, JOHNSTON &
GARRETT, P.A.
Post Office Box 270
Montgomery, Alabama 36101-0270
Telephone: (334) 834-8480
Fax: (334) 262-6277

E-mail: bg@rsjg.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served by U.S. Mail
this the 18th day of October, 2006, to:

Sidney James Clayton AIS# 224797
Red Eagle Honor Farm
Route 3 Box 79
Montgomery, AL 36110

s/R. Brett Garrett GAR085
Attorney for Samuel Rayapati, M.D., Nettie
Burks, R.N., H.S.A. and Prison Health
Services, Inc.